

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations (OAO)  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of Action: This proposed action is for a six-month task order with four three-month option periods for cellular and wireless services and devices that will be issued under the National Mobile Devices and Service (NMDS) Indefinite Delivery Indefinite Quantity (IDIQ) Contract, Number VA118-13-D-0027 with AT&T Mobility.
3. Description of Supplies or Services: The proposed action requires the contractor to provide cellular and wireless voice, text, and data services and devices for approximately 1,377 VA employees in Atlanta, Georgia, Chillicothe, Ohio, San Juan, Puerto Rico, and the Virgin Islands.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(D), it is necessary to place an order to satisfy a minimum guarantee.
5. Reason for Authority Cited: The proposed source is AT&T Mobility, 7229 Parkway Drive, Hanover, Maryland. Solicitation Number VA118A-12-R-0269 was issued competitively utilizing the Federal Business Opportunities (FBO) website on September 29, 2012. The solicitation closing date was November 15, 2012. Three offerors were chosen for an award in accordance with the criteria set forth in the Basis for Award of the solicitation. Included in the solicitation was FAR clause 52.216-22, Indefinite Quantity, which stated the minimum guaranteed value for each resultant contract award under the NMDS contract. This order is being issued to AT&T Mobility to satisfy the minimum guarantee. AT&T Mobility has been determined by the Government's technical experts to be able to provide the aforementioned cellular and wireless services in the coverage areas required. The determination included a review of the selected awardee's technical capabilities which included coverage, devices, service plans, and project execution.
6. Efforts to Obtain Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract. In accordance with FAR 5.301 and FAR16.505(b)(2)(ii)(D), this action will be synopsisized at award on FBO and the justification will be made publicly available.

7. Actions to Increase Competition: The agency will work with the program office to perform market research in a timely manner so that all three multiple award contract holders can be considered for future requirements.
8. Market Research: Market research was not conducted for this effort. The order is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract.
9. Other Facts: N/A